

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THOMAS ROY BROWNE,

Plaintiff,

vs.

WELLS FARGO HOME LOANS, *et al.*,

Defendants.

Case No. 2:10-cv-01699-RLH-PAL

**ORDER**

Before the court is the parties' proposed Stipulation and Order to Stay all Proceedings for Thirty Days (Dkt. #37), filed July 6, 2011. The parties indicate that they have reached a tentative agreement to resolve the case and are in the process of preparing and executing documents to memorialize and effectuate their agreement. For this reason they request a stay of proceedings including a stay of any ruling on Greenpoint's Motion to Dismiss (Dkt. #17) filed December 6, 2010, Plaintiff's Motion for Partial Summary Judgment (Dkt. #21), filed December 9, 2010, and Wells Fargo and MERS' Motion for Summary Judgment (Dkt. #30), filed January 7, 2011.


Defendants EMC Mortgage Corporation, MERS, and Wells Fargo Home Loans filed a Motion to Stay Litigation and Discovery Proceedings Pending a Determination on Pending Dispositive Motions (Dkt. #31) January 14, 2011. Plaintiff did not file a response to the motion, and the court granted the request. See Order (Dkt. #34). On May 3, 2011, the parties submitted a Stipulation Requesting a 60-day Stay of All Proceedings Including any Rulings on the Pending Dispositive Motions (Dkt. #35) based on the same representations made here, *i.e.* that the parties had reached a tentative agreement to resolve this action, and were in the process of preparing and executing documents to memorialize and effectuate the agreement. The court entered an Order (Dkt. #36) granting this request. The parties now request a 30-day extension of the stay of all proceedings. The court will grant the request for a final 30-

1 day stay. However, given the amount of time decision of the pending dispositive motions has been  
2 stayed at the parties' request and the parties' representation that they have reached a settlement  
3 agreement, the court will deem the dispositive motions withdrawn.

4 **IT IS ORDERED** that:

- 5 1. The parties' Stipulation to Stay All Proceedings an Additional Thirty Days (Dkt. #37) to  
6 complete and effectuate the parties' settlement is **GRANTED**.
- 7 2. The parties shall have until **August 6, 2011**, in which to complete their settlement and  
8 file a stipulation to dismiss this action with prejudice.
- 9 3. The pending dispositive motions, (Dkt. ##17, 21 and 30) are deemed **WITHDRAWN**.
- 10 4. In the event the parties have been unable to finalize their settlement, counsel shall file a  
11 notice with the court to that effect **no later than August 6, 2011**, and request that the  
12 dispositive motions previously filed be placed back on the court's docket for decision.  
13 Counsel shall not be required to refile the dispositive motions the court has deemed  
14 withdrawn, the responses to the motions, or the replies.

15 Dated this 7<sup>th</sup> day of July, 2011.

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United States Magistrate Judge  
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